

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

FRESHUB, INC. and FRESHUB, LTD.,

Plaintiffs,

v.

AMAZON.COM, INC., a Delaware Corporation,  
AMAZON.COM SERVICES LLC, a Delaware  
Limited Liability Company, PRIME NOW, LLC, a  
Delaware Limited Liability Company, and WHOLE  
FOODS MARKET SERVICES, INC., a Texas  
Corporation,

Defendants.

Case No. 6:21-CV-00511-ADA

**NOTICE OF CROSS-APPEAL**

Notice is hereby given that Defendants Amazon.com, Inc., Amazon.com Services LLC, Prime Now, LLC, and Whole Foods Market Services, Inc. appeal to the United States Court of Appeals for the Federal Circuit from the Court's Final Judgment dated July 13, 2021 (Dkt. 268) and any other pertinent interlocutory decisions, rulings, or orders, or rulings or orders incorporated therein, including but not limited to the Findings of Fact and Conclusions of Law dated July 30, 2021 (Dkt. 271) and the Court's Minute Order of October 19, 2021 (Dkt. 295). Defendants file this notice in an abundance of caution given Plaintiffs' notice and the 14-day deadline of Federal Rule of Federal Procedure 4(a)(3), and understand that both notices shall take effect according to the the timelines set forth in the Rules. *See* Fed. R. App. P. 4(a)(4)(A)(i)-(ii), (B)(i)-(ii).

January 27, 2022

Respectfully submitted,

/s/ Eric B. Young

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*Counsel for Defendants*

AMAZON.COM, INC., AMAZON.COM  
SERVICES LLC, PRIME NOW, LLC, and  
WHOLE FOODS MARKET SERVICES, INC.

**CERTIFICATE OF SERVICE**

The undersigned certifies that on this 27th day of January 2022, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3).

/s/ Eric B. Young

Eric B. Young